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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,966	09/08/1999	RICHARD J. DITZIK		9391

27058 7590 11/20/2001

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EXAMINER

URBAN, EDWARD F

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/20/2001

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Advisory Action

Application No.

09/391,966

Applicant(s)

Ditzik

Examiner

Edward F. Urban

Art Unit

2683



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED Oct 15, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: the added feature in claim 14 and the added claims 49-53 raise new issues that would require further consideration and search.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see attachment.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: 14, 23, 24, 31, and 40-43
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☐ Other: \_\_\_\_\_

EDWARD F. URBAN  
PRIMARY EXAMINER  
ART UNIT 2683

Art Unit: 2683

***Response to Arguments***

Applicant argues with respect to the restriction requirement that the preambles of claims 14 and 44 are almost exactly the same, step (a) in both claims are very similar and that these claims are drafted in slightly different ways to protect his invention. However, although the first arguments may be true, both claim 14 and 44 recite details of techniques far different from each other. Specifically, claim 14 claims a handset unit and the specific operation of the unit, namely the simultaneous operation of multiple functions, while claim 44 recite a specific technique for controlling wireless communication by formatting data to wireless communication protocols necessary for short distance. Therefore, it is still considered that such claims are patentably distinct from each other.

As to the 103 rejection, applicant argues that Siitonen nor Stein discloses (1) "wireless communication to local communications base unit", (2) said modes includes wireless voice, wireless data, and conventional computing" or "run these modes roughly simultaneously". As to (1), it is still considered that the base station that is in communication with the PDA of Siitonen et al. is, to some extent, local. As to (2), applicant is directed to col. 1, lines 16-20 which recited that PDA's are commonly include conventional computing "modes" as described as being "palm top computers". As to (3), it is still considered that such a technique would have been obvious as described in the previous office action on pages 3-4.

  
EDWARD F. URBAN  
PRIMARY EXAMINER